



B-158766

January 18, 2000

The Honorable J. Dennis Hastert
Speaker of the House
of Representatives

Dear Mr. Speaker:

This letter responds to the requirements of the Competition in Contracting Act of 1984, 31 U.S.C. § 3554(e) (Supp. III 1997), that the Comptroller General report to the Congress each instance in which a federal agency did not fully implement a recommendation made by our Office in connection with a bid protest decided the prior fiscal year. We are pleased to report no such occurrence during fiscal year 1999.

During the fiscal year we received 1,290 protests (including 29 cost claims) and 109 requests for reconsideration for a total of 1,399 cases. We closed 1,446 cases: 1,316 protests (including 29 cost claims) and 130 requests for reconsideration. Enclosed for your information are some statistics concerning suspensions of contract awards and performance as a result of bid protests.

A copy of this report, with the enclosure, is being furnished to the Chairman and Ranking Minority Member of the House Committee on Government Reform. A similar report is being furnished to the President of the Senate.

Sincerely yours,

Comptroller General
of the United States

Enclosure

Suspension of Award/Performance Data

BACKGROUND

CICA contains several provisions whose purpose is to enhance the likelihood that protests can be decided before contract performance reaches a stage at which corrective action is effectively precluded. Where an agency is notified of a protest before award, CICA precludes an award unless the head of the procuring activity makes certain findings justifying the award. In cases where notice is received within 10 days following the date of award or within 5 days after a required debriefing, CICA requires the suspension of performance unless the head of the procuring activity makes certain other findings justifying the continuance of performance despite the protest.

DATA

The following tables present data regarding the number of contracts awarded after a protest was filed (table A), the number of protests in table A in which GAO sustained the protest (table B), the number of contracts in which performance was not suspended following a protest (table C), and the number of cases sustained by GAO in which performance was not suspended (table D).

Table A

**Protests Filed Before Award--
Contracts Awarded After Protest Filing**

Defense Agencies	Civilian Agencies
6	4

Table B

Protests Filed Before Award--
Protests Sustained Where Contracts Awarded After Protest Filing

Defense Agencies	Civilian Agencies
0	1

Table C

Protests Filed After Award--
Contracts in Which Performance Was Continued

	Defense Agencies	Civilian Agencies
Where agency determined that urgency justified continued performance	27	10
Where agency found that continued performance was in Government's best interest	25	27

Table D

Protests Filed After Award--
Protests Sustained Where Performance Was Continued

	Defense Agencies	Civilian Agencies
Where agency determined that urgency justified continued performance	1	0
Where agency found that continued performance was in Government's best interest	2	12